

EXHIBIT 3



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VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 18, 2024

Our File No. 1344-01

Mr. Tim Cook, CEO Apple, Inc.
One Apple Park Way
Cupertino, CA 95014

Re: Apple AirPods Pro Gen 1

Dear Mr. Cook,

We represent Ms. Lindsey LaBella—a purchaser of Your Apple AirPods Pro Gen 1.

Ms. LaBella is prepared to file a class action lawsuit on behalf of herself and all other similarly situated consumers against Apple, Inc. (“You”) arising out of Your advertising and sale of Apple AirPods Pro Gen 1. Ms. LaBella asserts that You sold all Apple AirPods Pro Gen 1 (regardless of manufacture date) with an inherent defect that causes “sound issues” to manifest—including crackling and static noises. Apple’s misrepresentations and omissions related to the “sound issues” associated with Apple AirPods Pro Gen 1, including (*inter alia*) that AirPods Pro Gen 1 provide “superior sound quality” and a noise cancelling feature—including “Active Noise Cancelling” (“ANC”) to filter out exterior sound and “Transparency” modes to filter out interior sound, while ensuring that desired sound can be heard clearly in both noise cancelling and transparency modes.

In fact, AirPods Pro Gen 1 did not have superior sound quality and did not provide effective noise cancelation. Instead, AirPods Pro Gen 1 had “sound issues” caused by an inherent defect in all AirPods Pro Gen 1. Instead of eliminating unwanted sound, the Audio Defect actually produced unwanted sound in the form of crackling and static, thereby decreasing the functionality, usability, and value of Ms. LaBella’s and other similarly situated purchasers’ headphones.

Ms. LaBella and other similarly situated consumers nationwide purchased the AirPods Pro Gen 1 unaware of the fact that Your representations and omissions were deceptive and not truthful, and that AirPods Pro Gen 1 did not live up to Apple’s express warranties and promises about the headphones’ sound quality, as well as ANC and transparency mode attributes.

Ms. LaBella thus writes under applicable laws, including (*inter alia*) Cal. Civ. Code Sec. § 1750, Civil Code § 1770(a)(2), (5), (7), (9), the similar consumer protection laws of the 50-states, and under warranty laws on behalf of herself and all similarly situated purchasers of the AirPods Pro Gen 1 to demand that You pay them damages for the fraudulent sale of the AirPods Pro Gen 1



and that You provide other appropriate injunctive and/or declaratory relief, including, without limitation, repair, recall, and/or replace the AirPods and extend applicable warranties to a reasonable time, or, at a minimum, provide Ms. LaBella and similarly situated persons with appropriate curative notice regarding the existence and cause of the “sound issues” defect.

If we do not hear from You within thirty days, Ms. LaBella and/or a similarly situated consumer will file a class action lawsuit seeking damages, equitable relief, and attorneys’ fees and costs under state consumer protection and warranty laws.

Sincerely,

apersinger@tzlegal.com



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VIA EMAIL

October 30, 2024

Our File No. 1344-01

Lynn R. Fiorentino
ArentFox Schiff LLP
44 Montgomery Street
38th Floor
San Francisco, CA 94104
Lynn.fiorentino@afslaw.com

Counsel,

We are in receipt of your October 21, 2024 response to our prior correspondence advising Apple that our client, Ms. Lindsey LaBella, intends to file a class action lawsuit against Apple, Inc. (“You”) related to its defective Apple AirPods Pro Gen 1 headphones. We write today to inform you that we also represent Mr. Michael Pawson, a consumer residing in Texas, and Ms. Stacey Rodgers, a consumer residing in Ohio, in this matter, as my colleague discussed briefly with you over the phone on Monday, October 21st. Both Mr. Pawson and Ms. Rodgers purchased Your Apple AirPods Pro Gen 1.

This letter is to provide You with pre-suit notice that Mr. Pawson and Ms. Rodgers will assert claims that You have breached an express warranty in violation of the laws of both Texas and Ohio. In short, Apple warranted that the AirPods Pro Gen 1 provide “superior sound quality” and a noise cancelling feature—including “Active Noise Cancelling” (“ANC”) to filter out exterior sound and “Transparency” modes to filter out interior sound, while ensuring that desired sound could be heard clearly in both noise cancelling and transparency modes.

As we advised in our prior correspondence, AirPods Pro Gen 1 did not actually have superior sound quality and did not provide effective noise cancelation. Instead, AirPods Pro Gen 1 had “sound issues” caused by an inherent defect in all AirPods Pro Gen 1. That is, instead of eliminating unwanted sound, the Audio Defect actually produced unwanted sound in the form of crackling and static, thereby decreasing the functionality, usability, and value of the AirPods Pro Gen 1’s purchased by Mr. Pawson and Ms. Rodgers.

Thus, Apple has breached its express warranties made to Mr. Pawson and Ms. Rodgers and violated the laws of Texas and Ohio. To that end, Mr. Pawson and Ms. Rodgers intend to bring a class action lawsuit against Apple, together with Ms. Labella, on behalf of consumers in Texas and Ohio who purchased the Apple AirPod Pro Gen 1. Mr. Pawson, Ms. Rodgers, and consumers across the country were unaware of the fact that Apple’s representations and omissions related to the



Lynn R. Fiorentino

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Apple AirPods Pro Gen 1 were deceptive and not truthful. Further, those consumers, including specifically Mr. Pawson and Ms. Rodgers, were unaware that the AirPods Pro Gen 1 would not live up to Apple's express warranties and promises about the headphones' sound quality, as well as ANC and transparency mode attributes.

In addition to their claims for breach of express warranty, Mr. Pawson and Ms. Rodgers similarly intend to bring claims against You for Your violation of the consumer protection laws in both Texas and Ohio. Those claims are based on the factual allegations outlined above.

Therefore, Mr. Pawson and Ms. Rodgers hereby demand that You pay them and the putative classes of consumers in Texas and Ohio that they seek to represent for damages for the fraudulent sale of the AirPods Pro Gen 1 and Your breach of the express warranties outlined herein. Further, Mr. Pawson and Ms. Rodgers demand that You provide other appropriate injunctive and/or declaratory relief, including, without limitation, repair, recall, and/or replace the AirPods and extend applicable warranties to a reasonable time, or, at a minimum, provide Mr. Pawson, Ms. Rodgers, and similarly situated persons with appropriate curative notice regarding the existence and cause of the "sound issues" defect.

Given that You have refused to provide the above requested relief in response to our prior notice and in light of Your prior lack of interest in providing class-wide relief as initially requested in our letter on behalf of Ms. LaBella, Mr. Pawson and Ms. Rodgers will bring their claims in the same lawsuit as Ms. LaBella. They will similarly seek damages, equitable relief, and attorneys' fees and costs under all available state consumer protection and warranty laws.

Sincerely,

A handwritten signature in blue ink that reads "Annick M. Persinger".

Annick M. Persinger
apersinger@tzlegal.com